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The Solicitors' Journal.

LONDON, SEPTEMBER 27, 1873.

THE VACANCY in the Solicitor-Generalship has at length been supplied by the acceptance of the office by Mr. Henry James, Q.C., M.P. The appointment has been generally expected, and will be received with pleasure by the profession. The new Solicitor-General, while not inferior to his predecessor in the power of presenting legal points to the House accurately yet in a form intelligible to a popular audience, is probably his superior in tact and debating power.

THE LODGER FRANCHISE is still almost as undefined as it was in the first year after its introduction. The judges have occasionally declared their inability to define what is a lodger within the meaning of the Act, and revising barristers naturally feel the same difficulty. The main reason why no substantial progress has been made towards settling what is required to establish a valid claim to the franchise as a lodger, is that the facts in each case vary so much that it is difficult to find a representative case which it is worth while to take to the Court of Appeal. If a case will only govern one vote, the voter or objector decided against by the barrister, must be very enthusiastic if he will incur the expense of taking a case to the Common Pleas.

We observe, however, that a lodger claim has been before the revising barrister at Liverpool, which raised points of rather frequent occurrence in some boroughs. A manager of a public-house occupied by himself and his family certain rooms in the house not used for the business, and for this accommodation he paid or allowed in account against his wages the sum of seven shillings a week. He claimed as a lodger, and, after some discussion, the vote was allowed. Such a case is not uncommon, and probably the persons who would thus get votes are persons to whom, if the Legislature had foreseen the case, it would have been willing to give votes. We much doubt, however, whether the Court of Common Pleas would support the decision given at Liverpool, unless, indeed, there were some further facts in the case beyond those mentioned in the report we have seen. There can be no doubt that occupation as a servant in the ordinary way would not confer the lodger franchise on a servant living in part of a house, any more than it would confer the household franchise on a servant living in a whole house. With respect to the latter franchise, the test whether a person occupies as servant or as tenant has been laid down in several cases (*Hughes* v. *Chatham*, 5 M. & G. 54; *Dobson* v. *Jones*, *ib.* 112; *Clarke* v. *Overseers of St. Mary, Bury St. Edmunds*, 5 W. R. 21, 1 C. B. N. S. 23); and the same test ought surely to be adopted with regard to the lodger franchise. On this view, the question which should have been asked at Liverpool is, whether the claimant was required to live upon the premises by the owner of the public-house for the purpose of managing it, or whether he was merely permitted to do so. It can scarcely be doubted that his living on the premises was required of him as part of his service, and if so, his vote should not have been allowed. There are, of course, other difficulties in the way of the claimant in the Liverpool case getting his vote. Thus it is very doubtful whether there can be a lodger without a landlord, or some representative of the landlord, living on the premises. This, in fact, is almost the only distinction between a lodger and any other tenant. If so, the claimant at Liverpool could only have been a lodger by reason of his being himself in another capacity—viz., that of the landlord's servant—the representative of the master of the whole house, in part of which he was held to be a lodger.

IT IS NOT VERY EASY to follow the effect of many of the sections of the Judicature Act for want of a clear conception of the nature of the new procedure which has to be developed under it. At present the common law system of pleading and the various provinces of the judge, the jury, and the Court in Banc in connection with the issues raised thereby are well understood. In Chancery, also, the mode of pleading and procedure adopted is suitable to a system where questions of fact and of law arising in a cause are determined by a judge. The Judicature Act abolishes the established modes of pleading and leaves to the future the development of one uniform mode of pleading adapted to the presentment of the issues between the parties in a convenient shape for determination, whatever may be the mode of trial employed. The resulting uncertainty as to what may be the ultimate shape of the new procedure makes it difficult fully to grasp the probable working of the new Act. The 29th section of the Act affords an illustration of our meaning. That section gives power to the Crown to issue commissions of assize or any other commissions to judges or other commissioners for the trial and determination of any causes or matters or any questions or issues of fact, or of law or partly of fact and partly of law, in any cause or matter depending in the High Court, and "any commissioner or commissioners appointed in pursuance of the section shall be deemed to constitute a Court of the said High Court of Justice." Any party to any cause or matter involving the trial of a question or issue of fact, or partly of fact and partly of law, may, with the leave of the judge or judges to whose Division the cause or matter is assigned, require the question or issue to be determined by a commissioner or commissioners as aforesaid. The first thing that strikes one is, that though the commission may be granted to try issues of law, the party to a matter involving a question of law only is not entitled to demand trial by a commissioner or commissioners. But we find at the end of the section a provision that "a cause or matter not involving any question or issue of fact"—*i.e.*, involving an issue of law only—"may be tried and determined in like manner, with the consent of all the parties thereto." There is some difficulty in exactly apprehending the meaning of this. According to the use of the term in the language of the old common law pleading an issue of law meant simply an issue of law raised on the face of the pleadings. In a loose sense of the term "issue of law," an issue which is technically one of fact on the record, may substantially turn into an issue of law at the trial; as, for instance, on an issue of *non assumpsit* the determination of the issue may depend on the construction of a written contract, which is for the judge. In such a case the issue is rather of a mixed character, for its determination rests first on a question of fact—*i.e.*, whether the defendant executed the document, and then on the legal result of the facts. The issue of law, properly so called, can only be when, on the face of the record, the parties are agreed as to the facts, and the only question is, what is the law as applicable to such facts? Under the system of pleadings which apparently is contemplated by the Act, the facts will appear on the record. General allegations, such as *non assumpsit* and not possessed, which include mixed issues of fact and law, will not exist or not be so frequent, and if the real question between the parties be one of law only it will appear to be so. In what way is it contem-

plated under the Act that such questions shall generally be tried? There seems to be no very specific provision. At present they are argued at common law before the Court in Banc on demurrer or on special cases, and the 41st section enacts that, subject to the rules, all business belonging to the Queen's Bench, Common Pleas, and Exchequer Divisions which, according to the practice now existing in the Superior Courts of common law, would have been proper to be transacted or disposed of by the Court sitting in Banc, may be transacted by Divisional Courts, which are to consist of two or three judges. The 18th rule in the schedule says that demurrers may be filed in such manner and form as may be prescribed by rules of Court. There seems to be some difficulty as to the meaning of the provision in the 29th section as to the trial of matters involving no issue of fact. Does it mean that in the case of such matters, when pending in the Common Law Divisions, the commissioner shall be substituted for the Divisional Court if the parties consent? Similarly with regard to causes in the Chancery Division of the Court in cases where the only question is one of law, does the section contemplate the hearing of the cause by a commissioner sitting in the country instead of a judge in London? If so, the result may be a very considerable modification of our present system of centralisation with regard to the trial of matters of law.

SOME OF OUR CONTEMPORARIES seem to be in considerable perplexity as to whether the blame for the lamentable failure of justice which took place on the application on behalf of two of the persons concerned in the "Carl" murders, for a writ of *habeas corpus*, ought to rest with the interpretation of the law adopted by the Victorian Court or with the course adopted by the Victorian Government. It appears that, after sentencing the prisoners, who were tried for murder committed on the high seas, to fifteen years' penal servitude, the Court added that "the execution of the sentence would seem to be a matter of imperial duty, as the place in which the prisoners are to be confined depends on the direction of one of her Majesty's principal Secretaries of State." The ground on which this opinion was based may be supposed to be that 12 & 13 Vict. c. 96, under which the prisoners were tried, provides (section 2) that the person convicted "shall be subject and liable to and shall suffer such and the same fines, penalties, and forfeitures as by any law or laws now in force persons convicted of the same offence respectively would be subject and liable to in case such offence had been committed, and were inquired of, tried, heard, determined, and adjudged in England." By 16 & 17 Vict. c. 99, s. 6, it is provided that every person sentenced to be kept in penal servitude "may during the term of the sentence be confined in any such prison or place of confinement in any part of the United Kingdom . . . or in any part of her Majesty's dominions beyond the seas . . . as one of her Majesty's principal Secretaries of State may from time to time direct." Whether the interpretation put upon these provisions by the Court, that the direction of a Secretary of State as to the place of confinement of the prisoners was indispensable even to justify their detention in gaol, was correct, seems somewhat doubtful; but it would be obviously unfair to pronounce a decided opinion until we have before us the reasons which it is probable the judges would give in granting the writ of *habeas corpus*. But on the facts before us, it does not seem doubtful that the law officers of the Victorian Government, in declining or neglecting to act upon the expressed opinion of the Court, must have foreseen as a probable result the consequences which actually followed. It has been said in their excuse that they deemed the intervention of the Secretary of State "unnecessary to justify the continued detention of the prisoners." But since a distinct intimation had been given by the Court which would be called upon to decide the question, that this intervention was necessary, it would at least have been prudent to obtain it.

THE BISHOP OF DURHAM AND DR. DYKES.

The importance of the controversy as to licensing a curate, which has arisen between the Bishop of Durham and the Rev. Dr. Dykes, Vicar of St. Oswald's, Durham, can scarcely be exaggerated. We need, therefore, make no apology for directing attention to the legal aspects of the questions in issue, abstaining, of course, from offering any opinion upon their theological bearings.

Our readers are, doubtless, aware that the Ritualist clergy of the Church of England have almost unanimously determined to disregard the recent decisions of the Ecclesiastical Court of Appeal, and—so far as they were adverse to them—of the Arches Court, in the cases of *Martin* v. *Mackonochie* (19 W. R. 545), *Sumner* v. *Wix* (L. R. 3 A. & E. 5 8, 18 W. R. Ecc. Dig. 27), and *Elphinstone* v. *Purchas* (Arches L. R. 3 A. & E. 66; P.C. 19 W. R. 898). According to those decisions it is unlawful (amongst other things) for a minister of the Church of England to turn his back on the congregation during the celebration of the Holy Communion, to burn incense as a ceremony during Divine service, or to wear coloured stoles. Yet we believe we are correct in stating that in *all* Ritualistic churches the law as thus laid down is ignored, so far as regards the position of the officiating clergyman, and that in very many it is also ignored both as to the ceremonial use of incense and the wearing of coloured stoles. Now, there can be no doubt that every Ritualist who thus offends against the law of the Church to which he belongs lays himself open to proceedings in the Ecclesiastical Court. But in the multitude of offenders there is safety. If there were only one or two in each diocese to deal with, the purse of the bishop might be long enough to prosecute them to conviction, although the cost of even a single suit in the Ecclesiastical Court is such that a bishop not unnaturally shrinks from it. It is, however, idle to suppose that he can prosecute his clergy by scores and even hundreds. If, therefore, he should desire that the law should be obeyed within his diocese he must adopt some means of securing his object without the scandal, inconvenience, and expense of constant prosecutions. He must prevent the illegal acts from being committed if he cannot visit those who commit them with punishment. This the Bishop of Durham proposes to do by taking, first, a written declaration from an incumbent, upon his nomination of a curate, that he will not require the curate either (a) to wear coloured stoles, or (b) to take part in or be present at the burning of incense, or (c) to turn his back upon the congregation during the celebration of the Holy Communion, except when ordering the bread; and secondly, a written promise from the curate that he will offend in none of the particulars specified. The Bishop has recently sought to enforce these requirements upon the Rev. Dr. Dykes and the Rev. Mr. Peake, whom Dr. Dykes sought to have licensed as curate of St. Oswald's. These gentlemen have both declined to give the written declaration and promise demanded of them respectively, and the Bishop has accordingly refused to license Mr. Peake. A legal opinion has been taken as to the lawfulness of this refusal, and Dr. Dykes and Mr. Peake have been advised that the Bishop has no right to insist upon the pledges which he demands, and that their proper remedy will be to apply next term to the Court of Queen's Bench for a *mandamus* to compel him to license Mr. Peake.

With deference to the learned counsel who have given this opinion, we much question whether the Court will direct a writ to the Bishop under the circumstances of this case. The licence of a curate, like the consecration of a church, is a matter for the discretion of the ordinary, and if he exercises his discretion *bonâ fide*, the Court will not interfere with him. In *R.* v. *Blooer* (2 Burr. 1043, see 3 Burr. 1265) Lord Mansfield, indeed, lays down that if a bishop refuses to licence *without cause*, the curate may have a *mandamus* to compel him to grant the licence. For example, the Court would interfere in the case of a refusal to licence upon some

clearly frivolous ground. But will it interfere where there has been a real exercise of discretion? Dr. Baring, if a writ should be sent to him, would probably return that in his judgment the state of his diocese requires that at present he should obtain an express promise from any curate whom he may licence not to offend against the law of the Church. It will be observed that he does not seek to impose some new and unwarranted test of his own making. He simply desires an assurance that what by the law ought to be done shall be done. Any novel test would certainly be illegal according to the principles laid down in *Long* v. *Bishop of Capetown*, where the Judicial Committee held that the defendant had no right to insist upon the plaintiff giving notice to his parishioners of the convening of a synod which he rightly conceived to be unlawful. But, looking at the matter as we are doing from a purely legal point of view, it seems to us that Dr. Baring, in demanding the pledges to which Dr. Dykes and Mr. Peake object, is simply demanding that these gentlemen should act, as already they are in fact bound by law to act. The safer course, perhaps, would have been to have simply asked a promise from the proposed curate. At all events, it appears to us that the only part of the bishop's conduct that can well be impugned upon the argument of a rule for a *mandamus* in his endeavouring to exact a promise from the incumbent.

It can scarcely be said, we presume, in the present case that the bishop is actuated by any but the most conscientious motives. He is to judge, according to the 48th of the Canons of 1603, which are binding upon the clergy, though not binding *proprio vigore* upon the laity (see *Middleton* v. *Croft*, 2 Atk. at p. 669), of the "meetness of the party" presented to him for license. From inquiries which he has caused to be made, he has come to the conclusion that Mr. Peake is not a person with whose "meetness" he is satisfied. Very possibly this conclusion may be erroneous, but if it has been formed not from caprice but upon conscientious grounds, it is not, according to the authorities, a conclusion with which the Court of Queen's Bench will be disposed to meddle. It is not within our province to form a judgment upon the conduct of the bishop. But, assuming that he has been unwise in the exercise of his discretion, still he has exercised it to the best of his ability and *bonâ fide*; and where there has been a full consideration of all the circumstances affecting the person proposed to him for a licence, and a declared conviction on the bishop's part that if he should grant the licence he would be acting in a manner inconsistent with his episcopal duty, the language of Lord Ellenborough, C.J., in a somewhat analogous case (*R.* v. *Archbishop of Canterbury and Bishop of London*, 15 East. 117, 139) seems applicable. The Court will not under such circumstances say, "Approve though you do not approve; take our conscience to guide you and not your own."

NEW AND RESTORED BOROUGHS.

It appears from the list to be found in Glanvil's Report of places which were represented in the Parliament of 23 Ed. 1, and in that of 25 & 26 Ed. 1, members were returned in obedience to the King's Writ by no less than twenty-two boroughs which, up to the time of the Reform Bill, had never been since represented in Parliament. These places, with the population at the last census (as nearly as we can ascertain it), are as follows:—Alton (4,092), Alresford (2,204), Ashperton (2,952), Axebrugg (830), Bamburg (363), Basingstoke (5,574), Blandford (4,052), Bradford (8,179), Brem (11,795), Canebrig, Duddelegh (43,782), Egremond (4,529), Jarvall (574), Kidderminster (22,331), Ledbury (4,422), Overton (1,409), Pershore (1,836), Pickering (3,689), Sutton (398), Torriton (4,151), Tunbridge (29,756), and Tyckhull (1,844). To the list of towns represented in the reign of Edward I. there must, it seems, be added Doncaster (pop. 18,768), which is not mentioned in Glanvil's list, and which has not returned any member since it was excused from obeying the writ in or before the time of Edward III., and it is probable that not a few other towns would be discovered, by a little research, to be in a similar case.

This may be inferred from what is said by Hallam (Mid Ages ii. 247), and, indeed, to some extent it appears from the list of restored boroughs also given in Glanvil. That list shows one borough restored by Henry VIII. ten by Edward VI., two by Mary, six by Elizabeth, eight by James I., and nine by Charles I. (in all thirty-six); and that list includes several which were not represented at all in the Parliaments of 23 Edward I. and 25 & 26 Edward I. It may then be very probably surmised that, since the representation was so fluctuating as these facts show it to have been, there were many other boroughs, besides those mentioned in Glanvil as not having been restored, which after being once represented in Parliament ceased to return members, and never regained the exercise of electoral power. It appears that of the restored boroughs, those which were restored before the 18 Jac. I., were restored by the Crown of its own motion in issuing writs for the summoning of a Parliament; those restored after that date (or at least several of them) being restored during the continuance of Parliament on petition addressed to the House of Commons.

All the time that this work of restoration was proceeding, the Crown was also continually creating new boroughs, so that from Hatsell and Hallam it appears that Hen. VIII. added 33 members, Ed. VI. added 14, Mary 21, Elizabeth 60, James 27, and Charles the Second 6. The Commons might not only have found it difficult to eject the members returned for these new boroughs, or indeed to put their denial of the power of the Crown to add new boroughs upon any distinct principle which would not conflict with the rights of other places whose representation they wished to maintain; but further, however objectionable many of the new boroughs might be, as places under the influence of the Crown, the Commons would not fail to perceive that on the whole the extension of representation told in their favour and strengthened their influence as a national assembly. But with respect to the omission of places which had been formerly represented the case would for the same reason be quite the reverse. Not only would the omission of such places diminish their claim to represent the whole country, but it would give a very precarious and arbitary tenure to those that remained. For if *one* might be omitted, there was no decisive reason why any other might not be omitted also, unless indeed it were of such great importance as made its omission a very conspicuous injustice and absurdity. Indeed, as a definite legal claim, the right of representation could only exist, or be known as attached to the particular places which returned members. It might be easy to talk of a general right of the nation to be represented, but as a positive tangible right it could be known only in the way in which it was exercised, that is, on the right of this, that, and the other place to send members to serve in Parliament; and to admit that this right could be in any way extinguished by the Crown, was in effect to admit that no such right existed. If, on the other hand, a borough once created could not be extinguished, a great check was imposed on the power of the Crown to increase its influence by the exercise of its right to create new boroughs; for if under these conditions it created a new borough, it could not undo its work if the borough turned out not to answer its expectations, while the borough's security of tenure tended again to promote its independence. Moreover, the means of remedying the omission was furnished by the practice under which the Speaker was accustomed to direct his warrant to the clerk of the Crown for the issue of writs to fill up vacancies which occurred during the life of Parliament. At whatever time this practice first became settled, it is plain the power was freely exercised in the reign of James I., though the debate in 1672 upon the king's

attempt to issue such writs through the Chancellor during the prorogation of Parliament, showed that even at that date the practice was not wholly regular with respect to vacancies occurring during that interval. It was natural, then, that at the period of its history when the House of Commons was struggling for its independent existence, and was labouring to establish its rights and privileges upon an immemorial and prescriptive footing, it should insist very strongly on the inalienable character of the right of representation, and indeed the argumentative force of any such instance would be the greater in proportion as it ascended to the earliest times; it would exhibit a more complete and unbroken Parliamentary unity, unbroken in point of right, and the more conspicuous for its recovery after so long an interruption in its actual exercise. Hence the Commons showed, in the time of James I., a greater eagerness in restoring the privileges of such places as Amersham and Wendover, than perhaps the same men would have shown two centuries later in maintaining those of Gatton and Old Sarum, and it was under the influence of this view that they, by resolution, restored the boroughs of Pomfret and Ilchester (March 27, 1621), and Amersham, Wendover, Marlow, and Hertford (May 3, 1624), and, if Hallam is right, passed in the same reign (James I.) a general resolution that any borough, which had ever been represented, had a right to the issue of a writ.

We may observe, in passing, that such a resolution seems rather inconsistent with the statement in Glanvil, that, on the petitions of the last four mentioned towns being discussed, it was alleged by the committee to whom the matter was referred, that there were only two boroughs, unrestored, *standing in the like case* with the borough then in question; which seems to indicate a much more limited ground for their restoration than would be implied in the resolution as stated in Hallam; one would think there could scarcely have existed at that time so large a resolution, and we may add that this was the last occasion in the reign of James when the question arose. If, however, such a resolution was come to, it is scarcely necessary to observe that it has not the force of a statute. It is quite true that a resolution of the House of Commons, when followed by consistent practice, is of prevailing force; indeed, the law of Parliament has been almost wholly created by this means; but it is also true that if all resolutions of the House had been attended to, things would in several respects be different from what they are; for instance, there would be no appeal from Chancery to the House of Lords. A resolution, therefore, of the House mainly derives its value from the practice under it. Now there was, no doubt, a practice under, and in conformity with, the alleged resolution; but that practice extended over no more than twenty years, and was never resorted to after the House of Commons had, as the result of the acts of the Long Parliament and the Civil War, firmly established its existence and its power. The exercise by the Crown of its right to create new boroughs survived to a somewhat later period, and the right was in effect affirmed by the resolution passed in 1677 in the case of the borough of Newark. But practices so inconsistent with a settled condition of Parliamentary Government as both these practices were, were naturally enough discontinued; and when Dudley and Kidderminster were restored to the position of Parliamentary boroughs by Schedule D of the Reform Act (which only gave them one member a-piece), it does not seem to have been thought that either those towns, or any of the numerous other places which had dropped out of the Parliamentary system, could as a matter of right claim to be re-admitted, or that such a principle as that laid down by the resolution of 1621 any longer prevailed; if Parliament had thought so, they would, no doubt, have taken steps to prevent the resurrection of Bambro', Sutton, and Jarvall. Lately, however, it seems the town of Doncaster has proposed to resuscitate its "dormant right" (*i.e.*, dormant for between 500 and 600 years), and if it is successful we suppose that other towns are likely to follow its example. Should the claim be really pressed by petition to the House to direct the Speaker to issue his warrant, we shall see how the matter is argued, and what is the reply of the House; we cannot, of course, expect the borough to disclose its case before its claim is lodged. But we cannot help surmising that the House may consider the matter now to stand on a very different footing from that which it occupied 250 years ago; that it may hesitate to admit the numerous claims of which that of Doncaster is a single instance, and to recognise also the power of the Crown to create new boroughs, which stands upon just as good a footing as the other, and has been more recently exercised. Indeed it is not clear that the latter right does not stand upon a better footing; for it stands upon the footing of a right exercised by the Crown and admitted by the House, while the other stands only upon the alleged resolution of the House. It is true that upon the occasion of the petitions of Amersham, Wendover, Marlow, and Hertford, the king referred the matter to the Chief Justices, and, acting on their advice, did not oppose the issuing of the writs, and that other writs were afterwards issued on similar petitions, but it is also true that the same monarch himself added twenty-seven new members, and it may be that he was unwilling to expose this exercise of prerogative to challenge by refusing to allow the writs to go to the restored constituencies. But, however this may be, the right of the Crown to create new boroughs, being admitted by the House in the Newark case, is at least as good, and is of more recent exercise. It may also be considered, perhaps, that the claim of the obsolete boroughs, which the House asserted in the reign of James I., was a different claim from that which would be given effect to by allowing the claim as made at the present day. The right alleged was a right to be represented in the Parliament of England, the claim now is to be represented in the Parliament of Great Britain and Ireland. It is quite true, as Mr. Hallam points out, with reference to the right of the Crown to create new boroughs, that there is nothing in the Act of Union to fix the members for England at 513, that question is long since disposed of by the Reform Bill, but it is nevertheless true that by two Acts of Union a joint Parliament has been created instead of three separate ones on a settled basis. These Acts constituted a united Parliament possessed of full Parliamentary powers for three kingdoms, but it is not so clear that the power of the Crown to create new boroughs in each kingdom separately could survive the Union of the Legislatures. The Crown, however, remains the same as it did before, and therefore if obsolete rights are to be revived, it might be contended that its prerogative is not destroyed by the Union, but only transferred. But the Parliament does not remain the same; it is not a Parliament for England only, but a united Parliament with more extensive powers, and it would be strange if after a union based upon the state of representation as it existed at the time, the balance could be disturbed, not by the legislative Act of the United Parliament, but by the resurrection of "dormant" claims put in as a matter of right by certain portions of one of the three kingdoms, and which were never thought of at the time when the agreement was come to nor from four to five hundred years previously. Indeed, it is difficult to treat seriously a claim not founded on, but rather opposed to, the notions and necessities of popular or representative government, and which seeks, by an appeal to a resolution of the House of Commons passed 250 years ago under wholly different circumstances, and which has not been acted upon for 230 years, and on the strength of an act of representation which took place more than 500 years ago, to intrude upon an assembly which has been twice changed in character by the absorption of two other national parliaments, and has been twice recast by Reform Bills. If the claim proves successful, Doncaster will certainly be entitled to be known as the Rip Van Winkle of Parliament.

LEGISLATION OF THE YEAR.

Intervention of Queen's Proctor.

Cap. XXXI.—*An Act to extend to Suits for Nullity of Marriage the Law with respect to the Intervention of Her Majesty's Proctor and others in suits in England for dissolving Marriages.*

In the case of *D*—— v. *M*—— (21 W. R. 417) it was held that section 7 of 23 & 24 Vict. c. 144, relating to the intervention of the Queen's Proctor, did not apply to suits for nullity of marriage, although the Court admitted that the right to intervene was as requisite for the public interest in the one case as in the other. By the present Act this anomaly is removed by the extension of the above-mentioned section and of section 3 of 29 & 30 Vict. c. 32, to suits for nullity of marriage.

Loans by County Authorities.

Cap. XXXV.—*An Act to amend the Law relating to Securities for Loans contracted by County Authorities.*

By this statute justices empowered by special Act to borrow money on the security of a county rate are enabled to do so on the most favourable terms by the issue of a novel kind of security easily transferable and coupled with a very summary and effectual remedy for non-payment. They may issue debentures which are to operate as a security for a principal sum and interest to be charged on the county rate specified in the debenture. The debentures may be for £50 or some multiple of £50 not exceeding ten, and may be either made payable to bearer or to a person to be named therein, his executors, administrators, or assigns (termed in the Act *nominal* debentures). In the former case the debentures will be transferable by delivery; in the latter by deed, either endorsed on the debenture or separate, and which may be according to the very concise forms contained in the schedule. To both kinds of debenture interest coupons are to be annexed. The debentures are to be signed by the chairman in open Court of Sessions and countersigned by the Clerk of the Peace or other officer performing duties analogous to those of the Clerk of the Peace (called in the Act the County Officer). Debentures issued in respect of the same loan are to be separately numbered in a series, and to be marked with the same letter of the alphabet; debentures issued in respect of a subsequent loan being marked with the next letter, and so on. Forms of debentures are given in the schedule, but their use is not obligatory. Unless some other mode of paying off the loan is prescribed by the special Act the county authority is to pay off in every year of the period limited for its repayment an equal portion thereof.

There is to be no preference among the holders of debentures issued in respect of the same loan, but where more than one loan has been raised by the same county authority the debentures issued in respect of each loan are to rank according to the date of such loan, *i.e.*, the date at which the first debenture for such loan is issued. No notice of any trust is to be received by the county authority in relation to any debenture, and a person advancing money to be secured by debenture is not to be bound to inquire whether the borrowing by the county authority was legal, or whether the money advanced was duly applied.

A register of debentures, open to inspection by any person on payment of a fee not exceeding one shilling, is to be kept by the Clerk of the Peace, upon which, within fourteen days after the issue of any *nominal* debenture, a memorial specifying the sum secured thereby and the name and description of the person to whom it is payable, is to be entered, and until such entry is made the county authority will not be responsible to such person in respect of the debenture. Similarly upon every transfer of a nominal debenture, and on every transmission of the interest in it, the name and description of the transferee or person entitled under such transmission must be entered on the register (a fee not exceeding two shillings and sixpence being payable for such entry), and until such entry, the county authority will not be responsible to the transferee or person to whom the interest has been transmitted. It is not stated on whom is to rest the duty of obtaining the original entry of the memorial of the nominal debenture, but the registration of a transfer is to be made upon the application of the transferee and the production of the instrument of transfer, and of the debenture transferred. In the case of transmission application is also to be made to the county officer and evidence adduced.

The remedy for non-payment of the principal and interest due on the debentures or coupons is to be by mandamus, and in addition to or instead of this remedy, if the sum due amounts to £500, application may be made for the appointment of a receiver, who is to have the same power of raising a rate as the defaulting authority itself would have. For the purposes of the Act the county authority is incorporated: is enabled to sue and be sued in its corporate name, and to appear by the county officer or any person authorised in writing by him.

Provision is also made for the issue of fresh debentures in place of any which may be lost, mislaid, or destroyed, and a debenture is constituted a writing obligatory for the purpose of any enactment relating to the punishment of forgery.

Fairs.

Cap. XXXVII.—*An Act to amend the law relating to fairs in England and Wales.*

By this Act the provisions of the Act passed in 1868 empowering the Home Secretary, on the representation of the magistrates of any petty sessional district within which any fair is held, or of the owner of any fair, to order that such fair should be held on some day or days other than that or those on which it was used to be held, are repealed, and similar but somewhat extended powers are given to "one of her Majesty's Principal Secretaries of State." This official is empowered, on the representation above mentioned, to order, not only that a fair shall be held on some day other than the accustomed day, but that it may be held on the accustomed day and any preceding or subsequent day or days, or during a less number of days than those on which it has been used to be held. It is also provided that if the representation is made by the justices notice is to be given to the owner of the fair, and if made by the owner notice must be given to the clerk of the justices.

Gaming.

Cap. XXXVIII.—*An Act to amend an Act passed in the fifth year of the reign of his Majesty George the Fourth, chapter* 83, *intituled "An Act for the punishment of idle and disorderly persons, and rogues and vagabonds in that part of Great Britain called England," and to repeal "The Vagrant Act Amendment Act,* 1868."

Singularly enough this and the last mentioned Act repeal and re-enact in an amended form two Acts which follow in consecutive order in the Statute Book of 31 & 32 Vict., and are themselves amending Acts. The object of the Vagrant Act Amendment Act, 1868, was to remove the difficulties caused by the terms of 5 Geo. 4, c. 83. as to the "open place" where the gaming took place and the "instruments of gaming." The object of the present Act, which repeals but re-enacts the statute of 1868, is to relieve magistrates from the necessity of inflicting the penalty of imprisonment in all cases, and sending young boys to prison for playing "pitch and toss." The Act, which comes into operation on Wednesday next, gives justices a discretion to inflict a fine not exceeding 40s. for the first offence, and not exceeding £5 for subsequent offences.

In Lord Eldon's time the salary of the Lord Chancellor, including bankruptcy fees, exceeded £20,000 a year.

RECENT DECISIONS.

EQUITY.

SPECIFIC PERFORMANCE.

Lumley v. *Timms*, L.C. & L.J.M., 21 W. R. 494.

In this case a lessee, in granting an underlease, covenanted with the under-lessees that in case he should at any time obtain a renewal or extension of his lease he would renew the underlease for the extended term. The lessee did not himself renew, but, during the continuance of the underlease, the ground-landlord, in consideration of a sum expressed to be paid by the lessee's wife, granted a lease commencing from the expiration of the old lease to a person described in the deed as a trustee for the separate use of the lessee's wife. In the view which the Lords Justices took of the facts, viz., that it was not shown that the consideration money was not *bonâ fide* the separate property of the wife, or that the whole transaction was not what on the face of it it appeared to be, the decision of the Court that the underlessees could not call for a renewal of their underlease seems (in spite of some rather bold arguments urged during the hearing) very much a mere matter of course. We notice the case because on another ground it appears worthy of some consideration.

The Master of the Rolls is reported (21 W. R. 319) to have dismissed the bill, which took the form of a bill for specific performance by the underlessees against the lessee, his wife, and the trustee, on the short ground that the wife and the trustee, not having been parties to the contract with the plaintiffs, the rule referred to in *Tasker* v. *Small* (3 My. & Cr. 63), that specific performance can only be decreed against parties to the original contract, was an effectual answer to the bill. The Lord Chancellor, however, appears to have been clearly of opinion that if the plaintiffs had proved the allegations in their bill that the taking of the lease in the name of the trustee was a mere device for avoiding the performance of the covenant, and that in fact the lessee was himself the *cestui que trust*, in that case the plaintiffs would have been entitled to a decree for specific performance against all the defendants. To suppose indeed that in such a case a Court of Equity would under any circumstances allow itself to be outwitted by a clever misuse of one of its rules would be to reckon without taking into account the well-known elasticity of its ways of thinking. As a fact, however, the rule enunciated in *Tasker* v. *Small* is one to which the Court has not been slow to make several exceptions, and it may be thought that such a case as the present would have been if it had been shown that the lease to the trustee was a mere device to escape from the covenant would come within the exception made by cases such as *Cope* v. *Parry* (2 J. & W. 538), namely, that the Court will make a decree against persons not parties to the contract where the refusal to make such a decree would only lead to a multiplicity of suits.

COMMON LAW.

REFERENCE ON "USUAL TERMS."

Morel v. *Byrne*, Q.B., 21 W. R. 673.

It seems strange that no fixed rule should hitherto have existed as to what, in respect of the arbitrator's power over costs, are "usual terms" in a reference of damages after a verdict for the plaintiff. In a reference of a cause it is well understood that the costs of the reference are in the arbitrator's discretion, but it was plausibly contended in the present case that where the damages only are referred after a verdict for the plaintiff, the case is the same as when a writ of inquiry is directed to the sheriff, in which case the costs abide the event. The practice in drawing up such orders appears to have varied, but the Queen's Bench has now decided that "usual terms" means the same in this case as in a reference of the cause—that is, it puts the costs in the arbitrator's discretion.

CHARTER-PARTY—"EXPECTED TO ARRIVE."

Corkling v. *Massey*, C.P., 21 W. R. 680, L. R. 8 C. P. 395.

On a charter-party which described the ship as "expected to be at Alexandria about the 15th day of December next," the charterer sued the ship-owner for a breach of warranty, the ship not being at the time of the charter-party in a place from whence she could reach Alexandria by the date named. The Court held that, notwithstanding the words only spoke of an "expectation," they amounted to a warranty, and certainly in substance the case would not be distinguished from *Ollive* v. *Booker* (1 Ex. 416). But both the learned judges (Keating and Honyman, JJ.) pointed out that they were not required to hold that the words amounted to a condition precedent to the obligation of the charterer to provide a cargo, and they referred to *Behn* v. *Burness* (11 W. R. 496, 3 B. & S. 76), as pointing out the distinction between warranties and conditions precedent. This is true in a sense, but it is also true that both in *Ollive* v. *Booker* and in *Behn* v. *Burness* a statement similar to that in question was held to amount to a condition precedent, and in *Behn* v. *Burness* the language in which Williams, J., expresses himself, in delivering the judgment of the Exchequer Chamber, is as follows. After noticing the distinction between statements in charter-parties which have and which have not been treated as part of the contract, the learned judge proceeds (p. 497)—"But with respect to statements in a contract descriptive of the subject-matter of it, or of some material incident thereof, the doctrine established by principle as well as authority appears to be, generally speaking, that if such descriptive statement was intended to be a substantive part of the contract, it is to be regarded as a *warranty, that is to say, a condition*, on the failure or non-performance of which the other party may, if he be so minded, repudiate the contract *in toto*, and so be relieved from performing his part of it, provided it has not been partially executed in his favour. If, indeed, he has received the whole, or any substantial part of the consideration for the promise on his part, *the warranty loses the character of a condition*, or to speak more properly, perhaps, ceases to be a condition, and becomes a warranty in the narrower sense of the word, namely, a stipulation by way of agreement, for the breach of which a compensation must be sought in damages." There is, then, nothing in this considered judgment of the Exchequer Chamber which tends to sanction the view that such words as were here in question, if they are part of the contract at all, are a warranty but not a condition; on the contrary, they are treated as having a double operation, and as being only restricted to the operation of a simple warranty in the case where the person for whose benefit they are inserted has accepted part of the consideration.

The examination of witnesses for the defence in *Reg* v. *Castro*, says the *Daily News*, has already occupied twenty-three entire days, during which 129 persons have given their testimony. The average rate, therefore, is little more than five witnesses a day. The total of witnesses for the prosecution was 212, and forty days having been consumed in taking their evidence, it will be found that the average rate of progress comes curiously near to that of the pace at which Dr. Kenealy's witnesses are disposed of. Thus, since the commencement of this trial, on the 23rd of April last, there have been examined altogether just 341 witnesses, occupying sixty-four days. The remainder of the 101 days on which the Court has sat has been thus consumed:—Mr. Hawkins' speech occupied five days; reading the Claimant's examinations and affidavits, on which the present indictment is based, twelve days; speech of Dr. Kenealy, twenty-one days. The prosecution have notice of nearly 110 witnesses yet to come.

NOTES.

The London correspondent of the *Manchester Guardian* announced on Thursday that at length Mr. Street is really at liberty to commence the actual building of the new Law Courts. His designs, however, have been eliminated of decorative details of the estimated cost of £15,000. In other respects his plans remain, and will be carried out, as they existed two years ago.

We observe with satisfaction that at the Conference of the Associated Chambers of Commerce a resolution moved by Mr. Heaton, of Birmingham, expressing dissatisfaction with the recommendation of the Select Committee on imprisonment for debt which sat last session, that the power of imprisonment for debt as now exercised by the county court judges should be abolished, was carried.

It appears that Treasury parsimony is not unknown in New Zealand. We learn from a colonial contemporary that three grand jurors were recently fined for absence. They subsequently appeared and pleaded as an excuse that there had been no official notification of the sitting in a newspaper. The Registrar said the notification appeared in the *Gazette*, and that the Government refused to allow the expense of advertising in a newspaper, and he had formerly had to pay for such advertisments out of his own pocket; a paragraph had appeared in the *Herald*. The judge strongly condemned the parsimony of the Government, and said that as few persons read the *Gazette*, the newspapers were the proper medium. He remitted the fines, and said that the grand jurors were perfectly justified in ignoring paragraphs in the *Herald* or any other newspaper in New Zealand.

The Freetown correspondent of the *Times* refers to a singular and objectionable practice prevalent there. It appears that many of the large mercantile houses and wealthier residents are in the habit of retaining all the barristers in the settlement. The local Bar accept a yearly retaining fee of £10. For this sum they are bound not to appear against those who retain them in any suit or action that may be brought against them during the entire year, although in any particular case no brief may have been sent to them by those who have retained them. A native who may have suffered some serious wrong from an European, when he endeavours to obtain redress finds that it is impossible to obtain an advocate. If he is rash enough to try and himself obtain justice in the Supreme Court, a demurrer or a motion to set aside his declaration, or to do something or other which is absolutely unintelligible to him, soon convinces him that if he believes justice is open to all in an English settlement he is gravely mistaken.

A correspondent of the *Daily News* notes the death of M. Dupont de Brissac at the age of 70. He was called to the bar, says the writer, at an early age, and immediately after the Revolution of 1830 was gazetted Procureur du Roi at Versailles, but he declined the office, because he would not take the required oath to Louis Philippe. In 1833, owing to some political speeches deemed violent, he was suspended for a time from practice at the bar. When he returned to the exercise of his profession, he was the favourite counsel for defendants in political cases. He pleaded for Barbès in the affair of Drouineau. He was elected to the Constituent Assembly of 1848, and afterwards to the National Assembly in the Charente-Inférieure. During several months preceding the *coup d'état*, he was a leader of the Opposition and made frequent speeches. He was banished by Louis Napoleon in 1851, and lived in Brussels till the general amnesty enabled him to return to France without asking pardon or making promises. Notwithstanding that he had so long lain fallow he resumed his place at the bar with facility, and was retained in many important cases. Before the Versailles Court-martial under Colonel Merlin, which tried the first seventeen Communards, he pleaded with the energy and enthusiasm of a young man, and distinguished himself above all the learned brethren with whom he was associated by the cogency of his legal arguments. When the Judge-Advocate, Commander Gaveau, attempted to snub him, M. Dupont de Brissac, draping himself majestically in his robes, submitted to the Court that his gown was as much worthy of respect as the Major's epaulettes, and he had the best of the "scene." It required some courage to plead for Communards in 1871, when very many barristers refused briefs offered to them.

GENERAL CORRESPONDENCE.

Delay and Expense in Criminal Proceedings.

Sir,—I intended to have troubled your readers this week with some remarks on the causes of delay in our present civil procedure, but the subject of delay in our administration of criminal justice has forced itself on my attention, and I will venture to say a little on that first.

In the *Times* of Wednesday last is a report of a prosecution at the Westminster Police Court against a man and his wife for alleged perjury in the Court of Common Pleas in an action against a railway company, and it is stated that there was a further charge against them, with two gentlemen, one of the medical and one of our own profession, for conspiring to defraud the same railway company of £2,000. Both charges arose, apparently, out of the same matter; namely, a claim for damages in respect of alleged negligence by the company, *per quod*, one of the accused was injured. I have observed that the same prosecution has been dragging its slow length along for many, I think seven or eight, weeks. Yet there seems nothing in it that might not have been disposed of in two or three consecutive days, at the outside. There is no element of extradition, as there was in the Bank forgery case, to account for the delay; and it would seem perfectly monstrous that a criminal charge should have been kept hanging over the heads of these persons for such a length of time.

Surely, if innocent, the matter should have been investigated, and the prisoners discharged (one of them would seem to have been in custody for many weeks) long ago. Can your readers realise the mental torture, the injury to character and business, which must be the lot of the two professional gentlemen charged, whilst this investigation is going on?

On the other hand, if the parties charged are guilty, is not swift punishment more likely to be deterrent than continual delay?

But it is not of this case alone I would speak. It is only an instance. I have had the misfortune to have personal experience in conducting a prosecution involving a lengthened investigation, and on that occasion the magistrate repeatedly said that, anxious as he was to proceed (and he showed himself so in many ways), it was simply impossible to sit and hear the matter out, owing to the pressure of other duties. Can any one wonder that what with the annoyance of having to attend at the police court week after week, and the Sessions House or Old Bailey day after day, and the enormous expense of counsel's briefs, or even attorneys' attendances, when instead of sitting continuously the Court can only afford an hour or two at a time, the public are reluctant to enter on prosecutions, and many criminals go scot free? or worse, that weak persons, charged with crimes of which they are innocent, prefer to pay, rather than go through the prolonged torture and great expense incident to being made the subjects of unfounded charges?

I have not heard that the Incorporated Law Society have addressed themselves to the task of providing a remedy for this state of things, though it must be familiar to one at least of the council, but will no M.P. take up the matter?

It appears each of the metropolitan police magistrates sits only three days a week. Whether the fact is that those gentlemen are really unable to do more is a matter on which I have not sufficient information to express an opinion, but it is clear that they should either sit oftener or their staff should be increased, and the subject seems a fit one for Parliamentary inquiry.

E. F. Buttemer Harston.

37, Gresham street, E.C., Sept. 22.

*** Owing to an accidental omission to make the corrections marked on a proof, several errors appeared in Mr. Harston's letter last week. Thus the latter part of the quotation from rule 18 in the schedule to the Judicature Act should read "and order the costs occasioned by such prolixity to be borne by the party chargeable with the same," and the initials to Mr. Harston's name should be as above printed.

REVIEWS.

The Pandects: A Treatise on the Roman Law and upon its Connection with Modern Legislation. By J. E. GOUDSMIT, LL.D., Professor of Jurisprudence in the University of Leyden. Translated from the Dutch by R. D. TRACY GOULD, M.A., Councillor-at-Law. Longmans, Green, & Co. London. 1873.

The author of this work has been (the translator tells us) long regarded throughout the Continent of Europe as of *supreme* authority. We could not have affirmed this of our own knowledge; and remembering the names of Vangerow (who has not long ceased to be numbered among living jurists), Bethman-Hollweg, Wächter, and Ihering, we should have thought the claim pitched somewhat too high; but whether this be so or not, there can be no question that Mr. Gould has rendered accessible to those of us who do not read Dutch a most valuable work. It seems that the book had already been rendered into French, and the translator very candidly acknowledges the assistance which he has derived from that version; but the present translation is an original one, and has been executed under the supervision of the author, which lends it an increased value. That the version presented to us is generally accurate we have the guarantee just mentioned; that it is, upon the whole, clear and elegant, we can determine for ourselves; but sometimes we fancy the translator has been led by the French version into foreign modes of expression, as where he translates *heilbar* by "susceptible of being cured," instead of by the plain and current English word "curable." Also the quotation from Brinz, in the note at p. 43, has really been made unintelligible by the translator's rendering "*personliche nicht-menschen oder nicht menschliche personen*" by the words "personally non-human or non-humanly personal [beings]." This seems to be an unfortunate attempt at brevity; but if the sentence had been rendered "personal non-human beings or non-human persons," it would have been equal in syllables, certainly not more crabbed, more accurate, and more intelligible.

An introduction gives a clear and concise view, not, indeed, of the materials out of which the Pandects were composed, but of the various schools of critics and commentators who have written upon them since the commencement of the twelfth century, of the schemes of arrangement which have been followed (in this particular, perhaps, not quite full enough), and of the principles of criticism and interpretation of the Sources. The body of the work (it must be understood that it is only the general part which is here given to us, although Mr. Gould, who rightly limits his labour to this part, should have informed us of the fact) is divided into six chapters, of which the first deals with rights, the second with the idea of rights and their divisions, the third with persons or subjects of rights, the fourth with things or objects of rights, the fifth with the creation and extinction of rights, and the sixth with the exercise of rights and the means of enforcing them. In explanation of the first head it must be said that rights here signifies what we should rather term the origin of rights, that is, law in its various modes of creation, and in its various characteristics. The difficulty of rendering the German *Recht* and even the Latin *Jus* is well known, and apparently the same difficulty is met with in the Dutch. We will not linger over this thorny subject; the translator is clearly right in not attempting to vary the expression.

With the third chapter the work enters upon what may be termed Roman law proper; but here we may say that although the text is confined to Roman law, the distribution of the matter (as has already appeared) is that which has been given to it by the scientific handling of modern jurists, and the text is enriched with ample and valuable notes, indicating not only the relation in which the various rules of law treated of stand to modern systems of law, but also to the speculative views of juridical writers. Under this chapter we would draw particular attention to the admirable treatment of domicile and of legal persons, the latter subject being handled at considerable length and with great clearness. Still better is the chapter on things; and as an example of sound sense and clear thinking, we especially direct the reader's attention to the first section of that chapter, and to the excellent observation at p. 92 on the attempts in modern times to give a legislative definition of the term "thing." In the fifth chapter, on the creation and extinction of rights, the parts which deal with *conditio* and *modus*, and with the invalidity of legal acts and instruments, are particularly good and clear, and show in several places an extraordinary power of condensed but perfectly perspicuous reasoning—a quality, indeed, which very much characterises the book throughout. The last chapter, on the exercise of rights and the means of enforcing them, is the one which possesses the least interest. Whatever advantages may be derived from the study of the Roman law, they will not be found in the minute study of Roman procedure. As a historical study, the topic may be of great interest, and especially so, in the analogy between the progress of the Roman and the English methods of procedure: but an English lawyer will receive an incomparably better training in every respect by the study of his own system, than he can possibly derive from that of the Romans; and for a philosophic view of the relation of forms of procedure to substantive law, the passage in "*Ihering's Geist des Romischen Rechts*," in which the author deals with that question, is immeasurably more valuable than the long chapter of 100 pages which is here presented to us.

We cannot conclude our notice of this valuable and interesting book without expressing a wish that the translator had abstained from adding original notes of his own: unlike the book to which they are appended, they are neither valuable nor interesting. This error, however, must not prevent us from expressing our obligation to Mr Gould for his useful and creditable labours.

A Treatise on the Law, Privileges, Proceedings and Usage of Parliament. By Sir THOMAS ERSKINE MAY, K.C.B., of the Middle Temple, Barrister-at-Law, Clerk of the House of Commons. Seventh edition; revised and enlarged. Butterworths. 1873.

A work which has risen from the position of a text book into that of an authority would seem, to a considerable extent at least, to have passed out of the range of criticism. It is quite unnecessary to point out the excellent arrangement, accuracy, and completeness which long ago rendered Sir T. E. May's treatise the standard work on the law of Parliament. But even in the case of books which have attained the enviable rank of authorities there is a wide difference in the way in which successive editions are edited. It sometimes appears as though the author, having once arranged his matter, thinks no further trouble necessary in the preparation of subsequent editions than is involved in the addition of head notes of cases strung together under the section or chapter to which they refer. In other cases there are merely added in the notes references to the cases decided or statutes passed since the last edition was published, without any care being taken to consider the modifications in the statements in the text introduced by these decisions or statutes.

To this lazy style of editing the work before us presents a refreshing contrast. Not only are points of Parliamentary law discussed or decided since the publication of the last edition duly noticed in their places, but the matter thus added is well digested, tersely presented, and carefully interwoven with the text. Scarcely anything seems to have been overlooked. Thus, under the head of "interruptions," the observations of the Speaker on the disorderly scene which occurred on 19th March last year are referred to, and the remarks of Cockburn, C.J., as to Parliamentary privilege, in the Onslow and Whalley case (*ante* p. 256), are duly noted. On page 37 Sir T. E. May cites, with his usual accurate terseness, the case of *Ex parte Pooley, Re Russell* (20 W. R. 735), in which it was held that the provisions of ss. 121, 122, of the Bankruptcy Act, 1869, as to vacating the seat of a member of the House of Commons in case of bankruptcy, do not apply to liquidation by arrangement, and he afterwards quotes the express provision of the Bankruptcy Disqualification Act, 1871 (34 & 35 Vict. c. 50), by which, in the case of a peer for the purpose of Parliamentary disqualification, bankruptcy is expressly made to include liquidation. We would suggest the desirability in a future edition of drawing attention more pointedly to the singular difference which exists

in this respect between the case of a peer and that of a commoner.

A word of commendation should be bestowed on the type of the book, which is admirably clear and agreeable to read.

AN INTERNATIONAL CODE.

The *Times* publishes a fuller account of the Conference of jurists and publicists held at Ghent on the 8th inst., to which we briefly alluded last week. The Ghent Conference received a very warm welcome from the inhabitants of the town, and was attended by a large number of distinguished men. Among those present the *Indépendance Belge* enumerates M. Asser, an advocate and professor of law at Amsterdam, one of the directors of the *Revue de Droit International et de Législation Comparée*; M. Bluntschli, from Germany, Professor in the University of Heidelberg, the author of the "International Law Codified," and of several other works on public law, as well national as international; M. Besobrason, Member of the Academy of St. Petersburg, author of various works on subjects connected with social science; M. Carlos Calvo, of the Argentine Republic, former Minister and corresponding member of the Institute of France, author of a theoretical and practical treatise on international law; Mr. David Dudley Field, from the United States, a barrister of New York, the author of the draft outlines of an international code; M. Emile de Laveleye, Professor of the University of Liége, whose last book is "*Les Causes de Guerre et l'Arbitrage*"; Mr. Lorimer, Professor at the University of Edinburgh, whose "Institutes of Law" is described as one of the most original and philosophical works that has recently appeared; Signor Mancini, Deputy of the Italian Parliament, former Minister, Professor of International Law at the University of Rome, one of the founders of the National Italian School of Jurists; and M. Rollin Jacquemyns, the Editor in Chief of the *Revue de Droit International et de Législation Comparée*, published at Ghent. All the members of the Conference agreed in recognising the possibility and urgency of constituting a free association without any official character which might serve as the centre of a scientific movement to promote both public and private international law. The first and chief business they had was to draw up and pass the rules of the association. This task they accomplished on the 10th of September, and from that time the institute dates its existence. Little more than this preliminary work could be accomplished, but the founders of the institution did not separate until they had taken steps to settle what is to be done for future meetings. Geneva was fixed upon for the next Conference, which will be held on the 31st of August, 1874. One important resolution taken by the institute was to appoint eight of its members as delegates to meet the jurists and publicists of the Brussels Conference on the 10th of October next, to express sympathy with them, to share in their labours, and aid them as far as possible in attaining the objects they have in view. The promoters of the Brussels Conference are Americans. The movement originated at New York on the 15th of May last. The following persons, David Dudley Field, LL.D., Theodore Dwight Woolsey, D.D., LL.D., Emory Washburn, LL.D., William Beach Lawrence, LL.D., and the Rev. James B. Miles, D.D., were, at a meeting held on that day, appointed a committee to invite publicists from different nations, to meet at a time and place to be agreed upon for consultation upon the best method of preparing an International Code, and the most promising means of procuring its adoption. The resolutions passed were as follow:—"That we have heard with great satisfaction the Rev. Dr. Miles' account of his mission to Europe on behalf of international justice, and that we express our cordial conviction of the wisdom of the principles and the reasonableness of the plans which he has communicated to us; that the movement of affairs, the studies of thoughtful men, and the tendencies of public opinion call for a new and earnest consideration of the usages and laws of nations especially in regard to war, and for a new international code especially in respect to arbitration; that in the opinion of this meeting the establishment of an international code, containing among its provisions the recognition of arbitration as the means of settling international disputes, is an object of the highest interest and importance; that with a view to the formation of such a code it is expedient that a meeting should be called for consultation upon the best method of preparing it, and the most promising means of procuring its adoption; that such a meeting be held at a time and place to be hereafter agreed upon, to which publicists from different nations shall be invited, and that a committee of five be appointed to act for this country in the issuing of invitations and in making arrangements for the meeting, which committee shall have power to add to their number." In pursuance of these resolutions the committee fixed on the 10th day of October next, at Brussels, as the time and place of meeting. At the meeting held at Brussels on the 17th inst., a sub-committee drew up the following provisional programme of the subjects to be discussed:—1. Discussion on the principle of the codification of the law of nations, and examination of the best system to be employed in the preparation and editing of a code of the law of nations; 2, discussion on the principle of international arbitration, the foundation of courts of arbitration, procedure to be followed, means of securing the execution of decrees arbitral; 3, classification of subjects to be considered, the formation of committees intrusted with the study of the questions to be decided, and the appointment of reporters.

PUBLIC COMPANIES.

GOVERNMENT FUNDS.

LAST QUOTATION, Sept. 26, 1873.

3 per Cent. Consols, 92¼	Annuities, April, '85 9⅞
Ditto for Account, 92⅜	Do. (Red Sea T.) Aug. 1908
3 per Cent. Reduced 90⅞	Ex Bills, £1000, — per Ct. par
New 3 per Cent., 90⅝	Ditto, £500, Do —par
Do. 3½ per Cent., Jan. '94	Ditto, £100 & £200, —par
Do. 3½ per Cent., Jan. '94	Bank of England Stock, 4½ per Ct. (last half-year)
Do. 5 per Cent., Jan. '73	
Annuities, Jan. '80 —	Ditto for Account.

INDIAN GOVERNMENT SECURITIES.

India Stk., 10½ p Ct. Apr. '74, 205	Ind. Enf. Pr., 5 p C., Jan. '72
Ditto for Account. —	Ditto, 5½ per Cent., May, '79 103½
Ditto 5 per Cent., July, '80 108½	Ditto Debentures, per Cent., April, '64 —
Ditto for Account, —	Do. Do., 5 per Cent., Aug. '73 101
Ditto 4 per Cent., Oct. '88 102	Do. Bonds, 4 per Ct., £1000
Ditto, ditto, Certificates, —	Ditto, ditto, under £1000
Ditto Enfaced Ppr., 4 per Cent. 96½	

RAILWAY STOCK.

	Railways.	Paid.	Closing Prices.
Stock	Bristol and Exeter	100	120
Stock	Caledonian	100	93¾
Stock	Glasgow and South-Western	100	120
Stock	Great Eastern Ordinary Stock	100	39½
Stock	Great Northern	100	128½
Stock	Do., A Stock*	100	146¼
Stock	Great Southern and Western of Ireland	100	114
Stock	Great Western—Original	100	119½
Stock	Lancashire and Yorkshire	100	144
Stock	London, Brighton, and South Coast	100	80
Stock	London, Chatham, and Dover	100	20½
Stock	London and North-Western	100	141
Stock	London and South Western	100	106
Stock	Manchester, Sheffield, and Lincoln	100	75
Stock	Metropolitan	100	70
Stock	Do., District	100	26½
Stock	Midland	100	131
Stock	North British	100	67½
Stock	North Eastern	100	163
Stock	North London	100	117
Stock	North Staffordshire	100	67
Stock	South Devon	100	69
Stock	South-Eastern	100	106¼

* A receives no dividend until 6 per cent. has been paid to B.

MONEY MARKET AND CITY INTELLIGENCE.

The Bank rate has been raised to 4 per cent. The proportion of reserve to liabilities is 44¼ per cent., being nearly the same as last week. In the early part of the week there was a general advance in railway stocks, but this was succeeded on Wednesday by a decline, which the advance in the Bank rate contributed to increase. There has been little change in the foreign market. The American crisis affected unfavourably the markets in Berlin and Vienna, and Austrian stocks and Lombardo-Venetian shares have been pressed for sale.

COURT PAPERS.

GENERAL RULES

Made under the Bankruptcy Act, 1869, and the Debtors' Act, 1869.

It is ordered as follows, that is to say:—

From and after the publication of this Order in the *London Gazette*, the bill of costs and expenses of and incident to the prosecution of a bankrupt by his trustee, under Order of Court, shall be taxed by the Master of the Crown Office of the Court of Queen's Bench, and shall be delivered to the Solicitor to the Treasury, together with an office copy of the Order of Court directing the prosecution, and a notice of the time fixed for the taxation of such bill of costs, seven days at least before such time, so as to enable the said Solicitor, if he shall think fit, to attend such taxation, either by himself or his Agent.

In every such bill of costs, credit shall be given for so much of the amount of the costs as shall have been allowed by the Court before which the prosecution or trial took place.

With any application to the Commissioners of Her Majesty's Treasury for an Order on the Accountant in Bankruptcy, to pay the difference between the amount allowed by the Master of the Crown Office and that allowed by the Court before which the prosecution or trial took place, the allocatur of such Master shall be sent.

SELBORNE, C.
JAMES BACON,
September, 1873. Chief Judge in Bankruptcy.

LEGAL ITEMS.

Sir Alfred Stephen, the Chief Justice of New South Wales, intends to retire from the bench in November. He was appointed judge of the Supreme Court in 1839, and chief justice in 1844, and so has been on the bench thirty-four years.

The programme of the approaching Social Science Congress at Norwich, under the presidency of Lord Houghton, is now complete. On Wednesday, the 1st of October, after a meeting of the Council, there will be a special service in the cathedral, the Bishop of Norwich being the preacher, and in the evening the President's inaugural address will be delivered. On Friday Mr Joseph Brown, Q.C., will deliver his address as President of the Department of Jurisprudence.

The *Guardian* says that in consequence of the refusal of the Bishop of Durham to license the Rev. Mr. Peake as curate of St. Oswald's Church, in the capitular city of Durham, the vicar, Dr. Dykes, has taken the opinion of the Attorney-General, Dr. Stephens, and Mr. Bowen; and the following is a copy of the case submitted to counsel and their opinions:—1. Has the Bishop any right to enforce, as against either Dr. Dykes or Mr. Peake, the requirements set forth in his letter to Dr. Dykes, dated 4th July, 1873, or any and which of them? Answer: We are of opinion that the Bishop has no such right. 2. If the Bishop has no such right, what steps can and should be taken by Dr. Dykes or Mr. Peake to obtain the desired licence to Mr. Peake to act as curate to Dr. Dykes, and generally to advise what should be done to get rid of this objectionable declaration? Answer: We think that the proper course to be pursued is for Dr. Dykes and Mr. Peake to apply at the commencement of the ensuing term to the Court of Queen's Bench for a rule calling upon the Bishop to show cause why a writ of *mandamus* should not issue against him. The granting of a writ of *mandamus* is to some extent a matter of discretion, but we are of opinion that the Court of Queen's Bench would grant a *mandamus* under the circumstances compelling the Bishop to license Mr. Peake.—(Signed) John Duke Coleridge, A. J. Stephens, Charles Bowen.—September 3, 1873.—It is stated that a *mandamus* will be moved for, and that the bishop's surrogate has instructed eminent counsel to argue that a Bishop is not bound to license curates who he feels will infringe canonical law.

Mr. Thomas Cooper, solicitor, Congleton, was on the 18th ult. brought up (after an adjournment) before the borough magistrates, charged with defrauding his client, John Whittaker, farmer, Church Coppenhall, Cheshire, of £80. The charge was brought under the 76th section of the Larceny Act, and the contention of the prosecution was that Cooper had appropriated £80 belonging to Whittaker to his own use. In March, 1865, Mr. Dewsbury, of Chester, lent Whittaker £50 on his leasehold property. In March 1867, Whittaker applied to Cooper for a further advance of money on the property, and ultimately an agreement was come to that Cooper (who had got the money from a Miss Taylor, of North Rode, to lend to Whittaker) should lend Whittaker £140 on the property, viz., £50 to pay off Dewsbury's claim, and to hand over the remainder at once. Instead of this Cooper paid Whittaker £60 in March, 1867, and had neither paid off Dewsbury's £50 nor paid over to Whittaker the remaining £80. The case for the prosecution having been finished at the last court day, *Watson* replied for the defendant. He said that Whittaker admitted receiving £30 every time he called at defendant's office in March, 1867, and what he alleged for the defence was that Whittaker called three times, and not twice, in March, and that, therefore he received £90 instead of £60. If he received £90, there was only £50 of the £140 to be accounted for. The reason Cooper alleged for not paying off the £50 owing to Dewsbury was, that after paying Whittaker £90 out of £140, there was only £50 left; and that as Whittaker lent the money at 15 per cent. his claim, after a lapse of two years, came to more than the surplus money could pay, and that as he (Cooper) had a claim for drawing up the mortgage deed, paying interest on money and other professional charges, he held the £50 in order to pay his own bill of £40, so that, in fact, the whole affair resolved itself into a matter of an unsettled account, which ought to have been adjusted in a court of equity, and not by a criminal court. He contended also that there was no intent to defraud, and that on that point the prosecution fell to the ground.—The magistrates committed Cooper to the assizes for trial, ordering him to find himself security for £200, and two sureties of £100 each for his appearence. Bail was immediately found. Cooper then applied for a summons against Whittaker for perjury, saying he could prove he got more money than he alleged; but the Mayor ordered Cooper to apply at the Town-clerk's office for the summons in the usual course.—Abridged from the *Liverpool Post*.

BIRTHS, MARRIAGES, AND DEATHS.

BIRTHS.

BARBER—Sept. 19, at Woodhall, Pinner, the wife of William Barber, Esq., of Lincoln's-inn, of a son.

CHAMIER—Sept. 15, at Thorn Bank, Sutton, Surrey, the wife of Edwin Chamier, Esq., Barrister-at-law, of a daughter.

SHEBBEARE—Sept. 21, at Surbiton, Surrey, the wife of Henry Francis Shebbeare, Esq., of Lincoln's-inn, of a daughter.

MARRIAGES.

DALTON—GASKELL—Sept. 16, Cornelius Neale Dalton, M.A., Barrister-at-law, of the Inner Temple, to Margaret, second daughter of the late Frederick Gaskell, Esq.

FLEMING—ROGERS—Sept. 16, John Frederick Leigh Fleming, B.A., of the Inner Temple, to Jessie Georgina, youngest daughter of the late Major J. Glynn Rogers, S.O.P., late H.M. 59th Regt.

GIBSON—BERKELEY—Sept. 18, at Brighton, Jasper Gibson, of 64, Lincoln's-inn-fields, Esq., to Mary Clementina, second surviving daughter of G. Brackenbury Berkeley, of Hampton Lodge, Hurstpierpoint, Sussex, Esq.

TURNER—DALSTON—Sept. 18, Octavius Thomas Turner, Esq., solicitor, Nottingham, to Marguerite, youngest daughther of Jonathan Norman Dalston, Esq., 161, Piccadilly, London.

WARNER—CARSON—Sept. 18, Joseph Henry Warner, Barrister-at-law, to Mary Wilelmina, eldest daughter of the late James Carson, of Spinfield, near Marlow, Esq.

DEATHS.

BATTYE—Sept. 23, at Hardwicke Grange, Shrewsbury, Richard Battye, Esq., Barrister-at-law, of 66, Queen's-gardens, London, and Skelton Hall, York, aged 39.

FOSTER—Sept. 15, at Rose Villa, Driffield, Yorkshire, John Foster, solicitor, aged 78 years.

LONDON GAZETTES.

Winding up of Joint Stock Companies.

TUESDAY, Sept 16, 1873.

LIMITED IN CHANCERY.

Prosphate Manure Company, Limited.—V.C. Malins has, by an order dated July 30, appointed Frederick Whinney, 8, Old Jewry, in the place of William Maitland and Hermann Theodore Zimmern, who are desirous of being discharged. Snell, George st, Mansion House solicitor for the petitioners.

FRIDAY, Sept 19, 1873.

LIMITED IN CHANCERY.

Co-operative Omnibus Association, Limited.—The M.R. has, by an order dated Sept 4, appointed James Cooper, 3, Coleman st buildings, to be official liquidator.

Stanley's Bread and Biscuit Company, Limited.—By an order made by the M.R., dated Sept 3, it was ordered that the above company be wound up.—Johnson and Weatherails, King's Bench walk, Inner, Temple, agents for Potter and Stevens, Farnham, solicitors for the petitioners.

COUNTY PALATINE OF LANCASTER.

TUESDAY, Sept 23, 1873.

Albion Alkali Company (Limited).—Petition for winding up, presented Sept 19, directed to be heard before the Vice Chancellor, Municipal buildings, Dale st, Liverpool, on Wednesday, Oct 1. Mather, Harrington st, Liverpool; agent for Beasley and Oppenheim, St Helen's, solicitors for the company.

Creditors under 22 & 23 Vict. cap. 35.

Last Day of Claim.

FRIDAY, Sept 19, 1873.

Astbury, John, Cheshire, Church Coppenhall, Yeoman. Dec 15. Cooke Crewe

Barker, Edgar, Oxford square, Hyde Park, Esq. Nov 10. Barker and Ellis, Bedford row

Beacebridge, William George, Lonsdale square, Islington, Merchant. Oct 31. Marsh, Fen court, Fenchurch st

Caddell, Elizabeth, Bath, Somerset. Oct 31. Gibbs, Bath

Carden, James, Burton, Westmoreland, Gent. Oct 15. Ambler, Preston

Easton, George, Liverpool, Mariner. Dec 18. Whitaker, Lancaster place, Strand

Evans, William, Shipston-on-Stour, Worcester, Clerk in Holy Orders. Nov 1. Hancock and Hiron, Shipston-on-Stour

Holt, George, Cricklewood, Middlesex, Gent. Oct 31. Denton and Co, Gray's inn square

Horton, Joseph Taylor, Edgbaston, Warwick, Gent. Oct 31. Horton, Birmingham

Howard, Mary, Chelmsford, Essex. Oct 31. Meggy, Chelmsford

Hurlstone, John, Adelaide rd, Hampstead, Esq. Oct 31. Handson, King st, Cheapside

Martin, Sarah, Christchurch, Southampton. Oct 17. Charlewood and Co, Manchester

Patten, John, Mile End rd, Glass Merchant. Nov 16. Mitchell, Great Prescot st, Whitechapel.

Peel, Edmund, Norwich, Gent. Dec 1. Copeman, Norwich

Pilbeam, William, Goldhawk rd, Shepherd's Bush, Gent. Nov 7. Dawes and Sons, Angel court, Throgmorton st

Rawdon, Emma Mary, Bath, Somerset. Oct 31. Gibbs, Bath

Terry, Harvey, Chickenley Heath, York, Maltster. Nov 19. Holt and Sons, Dewsbury

Wade, Samuel, Littleover, Derby, Gent. Nov 1. Sale, Derby

Westall, Jane, Leigham Court rd, Streatham. Oct 20. Wilkins and Co, St Swithin's lane

Wilton, Joseph Robert, Great Malvern, Worcester, Gent. Oct 25. Monckton and Co, Lincoln's inn fields

Wilton, Maria, Great Malvern, Worcester. Oct 25. Monckton and Co, Lincoln's inn fields

Wyndham, Hon Elizabeth Anne, Rogate Lodge, Sussex. Oct 9. Albery and Lucas, Midhurst

TUESDAY, Sept 23, 1873.

Ayrton, Frederick, Arundel gardens, Notting Hill, Esq. Nov 18. Lambert and Co, John st, Bedford row

Barnfather, William Thomas, Hebburn, Durham, Ship Builder. Dec 1. Watson, Newcastle-upon-Tyne

Birdwood, Gordon Forbes, Surat, East Indies, Esq. Nov 8. Taddy, Bristol

Brown, Lewis, British st, Bow, Gent. Nov 13. Davies and Williams, Abchurch House, Sherborne lane

Brundrit, William Wright, Runcorn, Cheshire, Esq. Nov 1. Davies and Brook, Warrington

Coham, Arscott Bickford Courtenay, Holsworthy, Devon, Gent. Nov 20. Bray, Holsworthy

Cohn, Julius, Leeds, Cloth Merchant. Oct 20. Parker, Manchester

Corbett, Thomas Brocklebank, Carlisle, Gent. Nov 1. Wright, Carlisle

Gaskell, Elizabeth, Standish, Lancashire. Oct 16. Dadd, Preston

Gaunt, Matthew, Rudyard Vale, Stafford, Esq. Oct 31. Challinor and Co, Leek

Humphrys, George, Ashcombe Park, Stafford, Esq. Oct 31. Challinor and Co, Leek

Hunter, William Frith, Margate, Kent, Surgeon. Oct 11. Sankey and Co, Margate

Hogg, Thomas, Newcastle-upon-Tyne, Draper. Dec 31. Hodge and Harle, Newcastle-upon-Tyne

Jago, Thomas, Landport, Southampton, Coppersmith. Nov 1. Pearce and Marshall, Portsea

Long, James, St James, Wilts. Oct 18. Hulbert and Son, Devizes

Neale, William Valentine, Hermitage rd, Tottenham, Gent. Oct 30. Reyroux and Co, Cannon st

Newnham, George, East Peckham, Kent, Farmer. Nov 1. Cripps, Tunbridge Wells

Robinson, George, Batley Carr, near Dewsbury, York, Woollen Manufacturer. Oct 20. Chadwick and Sons, Dewsbury

Searancke, Mary Emm, St Albans, Hertford. Dec 1. Beal, St Albans

Timms, Frederick John, Shore rd, South Hackney, Gent. Nov 1. Hanslip, Great James st, Bedford row

Tucker, Isaac, Gateshead, Durham, Brewer. Dec 1. Watson, Newcastle-upon-Tyne

Turner, Susan, Rochdale, Lancashire. Nov 20. Holland, Rochdale

Whiteway, Philip, Weston, near Runcorn, Cheshire, Merchant. Nov 1. Davies and Brook, Warrington

Widdicombe, Henry, Kennington Park rd, Comedian. Oct 20. Pearpoint, Leicester square

Wynands, Wynand John, Newcastle-upon-Tyne, Merchant. Dec 1. Watson, Newcastle-upon-Tyne

Bankrupts.

FRIDAY, Sept 19, 1873.

Under the Bankruptcy Act, 1869.

Creditors must forward their proofs of debts to the Registrar.

To Surrender in London.

Moore, James John, Curtain rd, Upholsterer. Pet Sept 16. Hazlitt. Oct 8 at 12

Rumboll, Henry, Love lane, Aldermanbury. Pet Sept 15. Hazlitt. Oct 8 at 11

Tripp, H H , Norfolk terrace, Bayswater, Tobacconist. Pet Sept 16. Hazlitt. Oct 8 at 12.30

To Surrender in the Country.

Baker, James, Selby, Yorkshire, Flax Dresser. Pet Sept 17. Perkins, York, Sept 30 at 12

Finch, John, Ramsgate, Kent, Publican. Pet Sept 13. Callaway. Canterbury, Oct 6 at 3

Gerrie, James, Aylesbury, Buckingham, Draper. Pet Sept 16. Watson. Aylesbury, Oct 6 at 11

Hodgson, John, Kingston-upon-Hull, Grocer. Pet Sept 12. Phillips, Kingston-upon-Hull, Oct 1 at 11

Lewer, Charles, Winchester, no occupation. Pet Sept 17. Thorndike, Southampton, Sept 30 at 2

Smerdon, William Stockman, Plympton St Mary, Devon, Commission Agent. Pet Sept 17. Shelly. East Stonehouse, Oct 1 at 11

Wale, Charles, Haylands, Isle of Wight, Baker. Pet Sept 13. Blake. Newport, Sept 29 at 1

TUESDAY, Sept 23, 1873.

Under the Bankruptcy Act, 1869.

Creditors must forward their proofs of debts to the Registrar.

To Surrender in London.

Cohen, Moss, Ely place, Holborn, Importer of French Boots. Pet Sep 13. Hazlitt. Oct 10 at 12

De Palma, Joaquim, Viscount, New Broad st, Agent. Pet Sept 20. Murray. Oct 17 at 11

Dickson, Henry, Lime st, Commission Agent. Pet Sept 19. Murray. Oct 9 at 12

Price, Charles Thomas, Finborough rd, West Brompton, Gent. Pet Sept 19. Murray. Oct 9 at 11

To Surrender in the Country.

Bishop, John William, Stroud, Gloucester. Pet Sept 20. Wilton Gloucester. Oct 11 at 12

Fry, Thomas, Barnstaple, Devon, Draper. Pet Sept 20. Bencroft. Barnstaple, Oct 10 at 11

Hawkins, John Frank, Oak-villas, Merton Park, Banker's Clerk. Pet Sept 16. Rowland. Croydon, Oct 7 at 2

Jagger, Luke, Leeds, Bill Discounter. Pet Sept 19. Wilson. Leeds, Oct 15 at 11

Major, John, Brighton, Sussex, Draper. Pet Sept 20. Eversfield. Brighton, Oct 3 at 11

Manning, Henry, Yorkshire, Jeweller. Pet Sept 18. Perkins. York, Oct 6 at 11

Palmer, Walter Bishop, and Henry Alfred Wilde, Norwich, Accountants. Pet Sept 18. Palmer. Norwich, Oct 13 at 12

Payne, Rowland William, Old Sleaford, Lincoln, Coal Merchant. Pet Sept 17. Staniland. Boston, Oct 4 at 12

Scarlett, Charles, Lowestoft, Suffolk, Plumber. Pet Sept 20. Walker. Great Yarmouth, Oct 8 at 12

Verney, Henry, Pippacott, Devon, Farmer. Pet Sept 20. Bencraft. Barnstaple, Oct 10 at 12

BANKRUPTCIES ANNULLED.

FRIDAY, Sept 19, 1873.

Bolton, Carl Von, Cross lane, Cigar Merchant. Sept 17

Sherrard, Richard George, Bridge, Kent, Trainer of Horses. Aug 15

Firth, William, Bradford, Yorkshire, Wool and Noil Dealer. Sept 12

Liquidation by Arrangement.

FIRST MEETINGS OF CREDITORS.

FRIDAY, Sept. 19, 1873.

Appleyard, Charles Henry, and Henry Mears, Camomile st, Hardwaremen. Oct 3 at 12 at the Guildhall Coffee house, Gresham st. Pearce and Son, Gilspur st

Atkins, Charles, Bishopsgate st Without, Oil Warehouseman. Oct 9 at 2 at offices of Izard and Betts, Eastcheap. Steepoole, Old Broad st

Bardolph, John, Shepherdess walk, City rd, Fishmonger. Sept 27 at, 10.15 at the Victoria Tavern, Morpeth rd, Bethnal Green. Long, Lansdowne terrace, Grove rd, Victoria Park

Barnard, James, Sheffield, Grocer. Oct 2 at 1 at offices of Roberts Queen st, Sheffield

Barnes, Samuel Tayleson, Carlisle, Cumberland, Bookseller. Oct 2 at 11 at offices of McAlpin, Devonshire st, Carlisle

Battley, Richard Goulding, Old Kent rd, Builder. Sept 29 at 3 at office of Swaine, Cheapside

Bendell, John, Gray's inn rd, Iron Dealer. Sept 29 at 11 at Mullens' Hotel, Ironmonger lane. Long

Brown, Thomas, Clifton, Bristol, Licensed Victualler. Oct 3 at 12 at offices of Henderson and Co, Broad st, Bristol

Bryant, George, Hulver st, Suffolk, Carpenter. Oct 2 at 4 at the King's Head Inn, Beccles. Kent, Norwich

Bryant, Samuel Spurling, Wellington terrace, Notting Hill, Ladies Outfitter. Oct 6 at 1 at office of Chatteris & Co, Gresham buildings, Basinghall st. Perrin, King st, Cheapside

Burley, Thomas, Liverpool, Drysalter. Oct 15 at 2 at offices of Harmood and Co, North John st, Liverpool. Mason, Liverpool

Clark, Walter, Bishop's Waltham, Hants, Brewer. Oct 2 at 3 at the Junction Hotel, Bishopstoke. Cousins and Burbidge, Portsmouth

Crew, Alfred, Netherton, Worcester, Chartermaster. Sept 30 at 11 at offices of Stokes, Priory st, Dudley

De Baddeley, Charles, Brixton rd, Herbalist. Sept 29 at 11 at office of Butterfield, Ironmonger lane

Ellis, Robert, Sprowston, Norfolk, Shoe Manufacturer. Sept 29 at 12 at the office of the Registrar of the County Court, Redwell st, Norwich
Fell, Benjamin, Horsforth, York, Silk Spinner. Oct 3 at 2.30 at offices of Fawcett and Malcolm, Park row, Leeds
Frost, Charles, Nottingham, Glass Dealer. Oct 14 at 12 at offices of Maples, Low pavement, Nottingham
Graham, Robert, Salford, Lancashire, Schoolmaster. Oct 2 at 10 at offices of Cowdell, Soresby st, Chesterfield
Gregory, Thomas, Birmingham, Grocer. Oct 10 at 3 at offices of Snow and Atkins, Ann st, Birmingham
Gyde, James Lewis, Aston Manor, Warwick, Factor. Sept 2 at 3 at offices of Jaques, Cherry st, Birmingham
Habgood, George, Poole, Upholsterer. Oct 2 at 11 at offices of Travers, West st, Poole
Haley, Samuel, Birmingham, Commercial Traveller. Sept 29 at 12 at offices of Fallows, Cherry st, Birmingham
Hallwood, Henry Spencer, Lymm, Cheshire, Provision Dealer, Sept 29 at 3 at offices of Bretherton, Bank st, Warrington
Hird, Richard, West Butterwick, Lincoln, Butcher. Sept 30 at 12 at offices of Burton, Market st, Gainsborough
Hoyles, George, Mansfield, Nottingham, Draper. Oct 3 at 12 at offices of Cursham, Mansfield
Hughes, David, Llanlevis, Carnarvon, Coal Dealer. Sept 26 at 1.30 at the British Hotel, Bangor. Webb, Bangor
Jarratt, Thomas, Leicester, Boot Factor. Oct 13 at 3 at the Temperance Hotel, London rd, Leicester. Black, Nottingham
Johnson, William Engledue, Weston-super-Mare, Somerset, Wine Merchant. Oct 3 at 12 at the Railway Hotel, Weston-super-Mare. Chapman, Weston-super-Mare
Keeling, Enoch Bassett, New Barnett, Hertford, Architect. Oct 1 at 2 at offices of Learoyd and Learoyd, South st, Finsbury
Kitchen, Johnson, William Kitchen, and James Jones, Feniscowles, Lancashire, Wood Pulp Manufacturers. Oct 3 at 2 at offices of Hulton and Lister, Brozennose st, Manchester
Lamb, John, Bolton, Lancashire, Confectioner. Oct 1 at 3 at offices of Dutton, Acresfield, Bolton
Lambert, George, St Mary Axe, Wine Merchant. Oct 6 at 12 at offices of Marsh, Fen court, Fenchurch st
Larkins, George, Wellington, Salop, Draper. Sept 30 at 3 at offices of Walford, Waterloo st, Birmingham
Law, John Henry, Holy row, Shoreditch, Ironmonger. Oct 6 at 3 at offices of Poole, Bartholomew close
Leathley, James Lister, Leeds, Cloth Manufacturer. Sept 30 at 12 at offices of Pullan, Bank chambers, Park row, Leeds
Lewis, Lionel Barnard, Fenchurch st, Ship Chandler. Oct 8 at 11 at the Law Institution, Chancery lane. Keene and Marsland, Lower Thames st
Linnett, Abraham, Terling, Essex, Farmer. Oct 7 at 1 at offices of Jones, Tindal square, Chelmsford
MacGann, Joseph, Birmingham, Machinist. Oct 3 at 3 at offices of Ansell, Temple st, Birmingham
Metcalf, Dawson, Seven Sisters rd, Holloway, Draper. Oct 2 at 2 at offices of Lovering and Co, Gresham st. Crossley, Moorgate st
Moody, James, Chepping Wycombe, Buckingham, Fruiterer. Oct 3 at 1 at offices of Spicer, High st, Great Marlow
Myers, John, Bradford, York, Boot Dealer. Oct 3 at 11 at offices of Terry and Robinson, Market st Bradford
Neale, William, Birmingham, Pianoforte Hinge Maker. Sept 29 at 3 at offices of Walter, Waterloo st, Birmingam
Probyn, George, Monmouth, Butcher. Oct 9 at 1 at the King's Head Inn, Monmouth. Gardner
Renshaw, John, Cleethorpes, Lincoln, Professor of Music. Oct 3 at 3 at offices of Standring, The Butt, Rochdale
Roberts, Henry, Rochdale, Lancashire, Cotton Operative. Oct 1 at 3 at offices of Ashworth, Yorkshire st, Rochdale
Roberts, Thomas, Huddersfield, Woollen Printer. Oct 1 at 3 at office of Laycock and Co, St George's-square, Huddersfield
Robinson, Eliza Wood, and John Kelsall Robinson, Salford, Lancashire, Dyers. Oct 2 at 3 at offices of Duckworth, Brown st, Manchester
Robshaw, George, John Kirk Child, and Henry Hardwick Robshaw, Birstal, York, Blanket Manufacturers. Oct 1 at 2 at offices of Burrell and Pickard, Albion st, Leeds. Simpson and Burrell
Rowe, Oliver, Birmingham, Boot Manufacturer. Oct 1 at 3 at offices of Parry, Bennett's hill, Birmingham
Rowland, Arthur Richard, Treverton st, Notting Hill, Builder. Sept 29 at 10.15 at offices of Kisch and Co, Wellington st, Strand
Smith, William, Carnarvon, Tailor. Oct 1 at 2 at the British Hotel, Bangor. Jones, Carnarvon
Spicer, William, Wareham, Dorset, Baker. Oct 6 at 11 at offices of Travers, West st, Poole
Sprugin, Isabella, Burlington rd, Bayswater. Oct 3 at 2 at 17, Great Western rd, Westbourne Park. Tillyard and Gribble, Marylebone rd
Steggall, Henry, Bury St Edmunds, Suffolk, Harness Maker. Oct 4 at 12 at the Guildhall, Bury St Edmunds. Salmon and Son
Towle, Edward Thomas, Nottingham, Chemist. Oct 6 at 12 at the Maypole Inn, Nottingham. Dale, Lincoln
Tresilian, Elizabeth, and James Kelly Hamilton, Cardiff, Glamorgan, Provision Merchants. Oct 9 at 2 at offices of Barnard and Co, Crockherbtown. Griffith, Cardiff
Tristram, Samuel, Ocker Hill, Tipton, Stafford, Grocer. Oct 3 at 3 at offices of Ebsworth, Bridge st, Wednesbury
Twibell, John Major, Sheffield, Grocer. Oct 1 at 3 at the Cutlers' Hall, Church st, Sheffield. Broomhead and Co, Sheffield
Warburton, William, Saint Helen's, Lancashire, Glass Maker. Oct 15 at 12 at offices of Moore, Upper Bank st, Warrington
Warren, Samuel, Exeter, Painter. Oct 2 at 11 at offices of Campion, Bedford circus, Exeter
White, George, Bradford, York, Boot Manufacturer. Oct 1 at 11 at offices of Lancaster and Wright, Manor row, Bradford
Williams, James William, Venallt Glynneath, Glamorgan, Agent. Sept 30 at 2 at offices of Clifton and Woodward, Wind st, Swansea
Wilson, Thomas, and William Hall, Dunston, Durham, Engineers. Sept 2 6at 2 at offices of Hoyle and Co, Collingwood st, Newcastle-upon-Tyne
Woodward, Edward, Derby, Builder. Oct 1 at 12 at office of Hextall, Albert st, Derby
Wootton, George Alfred, Preston, Lancashire, Plumber. Oct 2 at 2.30 at the Temperance Hotel, Lune st, Preston. Edelston, Preston

TUESDAY, Sept 23, 1873.

Beakey, John, and Samuel Bush, Liverpool, Boot Makers. Oct 6 at 10 at offices of Rogerson, Cook st, Liverpool
Blakely, Thomas, Thornhill Edge, York, Farmer. Oct 9 at 10.30 at offices of Shaw, Bond st, Dewsbury
Brook, Mary, Elland, York, Woollen Manufacturer. Oct 6 at 11 at office of Norris and Co, Halifax
Clark, John, Weymouth st, Hackney rd, Timber Merchant. Oct 14 at 3 at offices of Holmes, Eastcheap
Colegrove, Joseph, Oxford, Dealer in Boots. Oct 8 at 3 at offices of Thompson, Church st, St Ebbe's, Oxford
Collier, James, and Albert Collier, Witney, Oxford, Blanket Manufacturer Oct 7 at 11 at offices of Westell, Witney
Cowburn, Alfred, Little Gomersal, York, Grocer. Oct 6 at 3 at office of Curry, Cleckheaton
Croft, Thomas, Seacombe, Cheshire, Gun Manufacturer. Oct 6 at 3 at offices of Gibson and Bolland, South John st, Liverpool. Harris, Liverpool
Earley, Thomas, Wolverhampton, Stafford, Boiler Liquid Manufacturer. Oct 3 at 3 at offices of Cartwright, Queen st, Wolverhampton
Fisher, Thomas, Seacombe, Cheshire, Butcher. Oct 6 at 4 at offices of Gibson and Bolland, South John st, Liverpool. Evans and Lockett, Liverpool
Foot, Henry William, and John Forse, Shrewsbury, Salop, Painters. Sept 27 at 11 at offices of Morris, Swan Hill, Shrewsbury
Foxton, James, Bradford, York, Boot Dealer. Oct 6 at 3 at offices of Hardwick, Boar lane, Leeds
Garnham, Devereux John, Lincoln, Surgeon. Oct 4 at 11 at offices of Toynbee and Larken, Bank st, Lincoln
Gee, William Charles, Hulme, near Manchester, Draper. Oct 6 at 2 at offices of Addleshaw and Warburton, King st, Manchester
Goode, John, Aston, Warwick, Journeyman Printer. Oct 7 at 11 at offices of Allen, Union passage, Birmingham
Goubert, Anais, Tynemouth, Northumberland, Milliner. Oct 7 at 11 at offices of Tinley and Co, Howard st, North Shields
Grant, Henry Walker Lucas, East rd, City rd, Fancy Leather Goods Manufacturer. Oct 7 at 1 at 11, Serle st, Lincoln's inn. Farnfield
Hadwen, John Wilson, Bradford, York, Yarn Printer. Oct 13 at 3 at offices of Barker and Sons, Estate buildings, Huddersfield
Hartley, Edward Linnell, Adstone, Northampton, Farmer. Oct 3 at 2 at the Black Lion Inn, Black Lion Hill, Northampton. Wratislaw
Hartley, Thomas, Wheatley, York, Farmer. Oct 4 at 1 at office of Jubb Barum Top, Halifax
Hodson, Henry, Birmingham, Boot Dealer. Oct 3 at 10 at offices of Beaton, Victoria buildings, Temple row, Birmingham
Holmes, George, Huddersfield, York, Druggist. Oct 3 at 11 at offices of Bottomley, New st, Huddersfield
Holmes, John, Newcastle-under-Lyme, Stafford, Boot Manufacturer. Oct 6 at 11 at offices of Adderley and Marfleet, Longton
Hutton, Alexander, and George Price, Nottingham, Silk Agents. Oct 13 at 12 at offices of Acton, Victoria st, Nottingham
Ingham, Kobert Bewlay, Manchester, Paper Merchant. Oct 9 at 3 at offices of Sutton and Elliott, Brown st, Manchester
Johnson, William, Manchester, Yarn Doubler. Oct 3 at 3 at offices of Brett, Kennedy st, Manchester
Kerswell, John, Marylebone rd, Wheelwright. Oct 4 at 10 at offices of Thwaites, Basinghall st. Fulcher, Basinghall st
Leveaux, Isidore, Bury st, St Mary Axe, Wine Merchant. Oct 7 at 3 at the London Tavern, Bishopsgate st. Hardwick and Holmes, Leadenhall st
Lewis, Thomas, Portsmouth, Bookseller. Oct 2 at 3 at 145, Cheapside. Walker, Landport
Milne, George Alexander, and James Rae, Victoria buildings, Victoria Station Pimlico, Tailors. Sept 30 at 1 at offices of Gover and Norton, King st, Cheapside.
Osborne, Thomas, Nottingham, Hosier. Oct 6 at 12 at offices of Acton, Victoria st, Nottingham
Payne, John, High st, Kingsland, Fishmonger. Oct 6 at 11 at offices of Fulcher, Basinghall st
Pudden, Edwin, East Coker, Somerset, Yeoman. Oct 6 at 3 at the Mermaid Hotel, Yeovil. Davies, Sherborne
Ravenscroft, Mary, Liverpool, Widow. Oct 8 at 2 at offices of Morecroft, Clayton square, Liverpool
Richer, Sarah, Wimbotsham, Norfolk, Beershop Keeeper. Oct 7 at 12 at offices of Wilkin, Athenæum chambers, King's Lynn
Roberts, David, Taliesin, Cardigan, Grocer. Oct 4 at 1 at offices of Jones, Pier st, Aberystwith
Robinson, Thomas Hope, Great Winchester st buildings, Wine Merchant. Oct 6 at 2 at offices of Bradley, Mark lane
Sandy, John, Fareham, Hants, Timber Merchant. Oct 7 at 2.30 at offices of Edmonds and Co, St James's st, Portsea. Cousins and Burbidge, Portsmouth
Scholtes, John, Russell rd, Lea Bridge rd, Builder. Oct 6 at 11 at offices of Foreman and Cooper, Gresham st
Shaw, John, and George Shaw, Leeds, Builders. Oct 1 at 4 at offices of Bladon, Park row, Leeds
Shea, Daniel, Glenville grove, Mernington rd, New Cross, Glass Bottle Manufacturer, Oct 3 at 3 at offices of Carter, Old Jewry chambers
Simpson, Thomas Archer, Regent st, Jeweller. Oct 2 at 3 at the Guildhall Coffee House, Gresham st. Chidley, Old Jewry
Stirke, Julius Henry, Southsea, Hants, Retired Captain. Oct 4 at 3 at 46, St James's st, Portsea. Reed, Portsea
Thomas, Edward, Manchester, Assistant to a Milk Dealer. Oct 6 at 12 at offices of Hodgson, Tib lane, Manchester
Todman, William George, Sevenoaks, Kent, Licensed Victualler. Oct 9 at 2 at offices of Stopher, Coleman st
Walker, Alfred, and Charles Walker, Leicester, Leather Merchants. Oct 9 at 2 at the Wellington Hotel, Leicester. Fowler and Co, Leicester
White, Henry, Salisbury, Wilts, Coal Merchant. Oct 3 at 11 at the Three Swans Hotel, Salisbury. Hill
Wickenhoefer, Conrad, Marshall's yard, Hampstead rd, Cabinet Manufacturer. Oct 8 at 11 at offices of Davies and Co, Warwick st, Regent st
Worrall, Henry Thomas, Globe rd, Mile End, Cocoa-nut Matting Manufacturer. Oct 7 at 2 at offices of Barton, Fore st, Finsbury